HOUSE JOURNAL 59TH LEGISLATURE THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
House Chambers
February 15, 2005
State Capitol

House convened at 12:45 p.m. Mr. Speaker in the Chair. Invocation by Rep. Sinrud. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Representatives Caferro and Small-Eastman, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

Sergeant-of-Arms Clark escorted the Carroll College football team into the House Chambers. The House members sang "When the Saints Come Marching In."

Chief Clerk Marilyn Miller read the following proclamation regarding the Carroll College football team.

PROCLAMATION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA

February 15, 2005

WHEREAS, on Saturday, December 18, 2004, at Jim Carroll Stadium in Savannah, Tennessee, the Carroll College Fighting Saints football team won its third-consecutive NAIA National Championship, the first three-time national crown in Montana history and in school history and, nationally, the first for the NAIA since incorporating all divisions into one: and

WHEREAS, the Saints won the December 18 championship victory over the University of St. Francis (Indiana) Cougars by a score of 15-13 in one of the most exciting football contests ever televised, including the Saints' game-winning field goal in the final seconds of the game; and

WHEREAS, the Saints amassed a season record of 11-2, including wins over Azusa Pacific (California) and Dickinson State; and

WHEREAS, the team included 5 NAIA First-Team All-Americans, 8 NAIA All-American Scholar-Athletes, 9 First-Team All-Conference Players and 22 Academic All-Conference players; and

WHEREAS, the team also included the 2003 NAIA National Player of the Year, the 2004 Frontier Conference Offensive and Defensive Most Valuable Players and the championship game's Most Valuable Player--Offense;

WHEREAS, since 2001, Carroll College has been consistently recognized by the NAIA as a Champion of Character institution emphasizing the five core values of respect, integrity, responsibility, leadership and sportsmanship; and

WHEREAS, Saints Head Coach Mike Van Diest was the 2003 American Football Coaches Association Division II Coach of the Year and the NAIA National Coach of the Year; and

WHEREAS, the Saints' Offensive Coordinator and Quarterback Coach Nick Howlett was named the NAIA National Assistant Coach of the Year for 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA: That the congratulations of all Montanans be extended to the Carroll College Fighting Saints' players and coaching staff for their hard work and dedication to the sport, to the principles of sportsmanship and leadership, to academic excellence, and to their school, families and proud community, both locally and statewide.

President of the Senate Speaker of the House

REPORTS OF STANDING COMMITTEES

BILLS (Barrett, Chairman): 2/15/2005

Correctly printed: HB 577, HB 598.

Correctly engrossed: HB 270, HB 304, HB 331.

APPROPRIATIONS (Buzzas, Chairman):

HB 18, introduced bill, be amended as follows:

1. Title, page 1, line 6 through line 7. Strike: "ADDING" through "DEVELOPMENT;"

2. Page 1, line 18.

Strike: "11" Insert: "10"

3. Page 1, line 22.

Strike: line 22 in its entirety Renumber: subsequent subsection

4. Page 2, lines 7 through 13.

Strike: "(1)" on line 7 through "commission." on line 13

5. Page 2, line 14. **Strike:** "(2)"

Insert: "(1)"

Renumber: subsequent subsections

6. Page 2, line 15. **Strike:** "\$200,000" Insert: "\$120,000"

7. Page 2, line 18.

Following: "appropriated"

Insert: "for the biennium beginning July 1, 2005,"

And, as amended, do pass. Report adopted.

HB 109, do pass. Report adopted.

HB 170, do pass. Report adopted.

HB 505, do pass. Report adopted.

HB 550, do pass. Report adopted.

BUSINESS AND LABOR (Keane, Chairman):

2/15/2005

2/15/2005

HB 372, do pass. Report adopted.

FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS (Olson, Chairman):

2/15/2005

HJR 16, be adopted. Report adopted.

HB 647, do pass. Report adopted.

HUMAN SERVICES (Becker, Chairman): HB 340, introduced bill, be amended as follows: 2/15/2005

1. Title, line 4.

Strike: "PROVIDING" Insert: "ALLOWING"

2. Page 1, line 11.Strike: "appropriated"Insert: "available"

Following: "section, the"

Insert: "["

Following: "justice"

Insert: "]"
Strike: "shall"
Insert: "may"

3. Page 1, line 14. Following: "The"

Insert: "["

Following: "department"

Insert: "]"
Strike: "shall"
Insert: "may"

4. Page 2, line 18.

Insert: "COORDINATION SECTION. Section 2. Coordination instruction. If House Bill No. 31 and [this act] are both passed and approved, then the references to the department of justice in [section 1] must be substituted with a reference to the office of substance abuse prevention and treatment."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 556, do pass. Report adopted.

NATURAL RESOURCES (Peterson, Chairman): HB 450, introduced bill, be amended as follows:

2/15/2005

1. Title, page 1, line 5 through line 6.

Strike: "CLARIFYING" on line 5 through "PARCELS;" on line 6

Following: "PROVIDING FOR" on line 6

Strike: "COMPLIANCE WITH" Insert: "CONSIDERATION OF"

2. Page 1, line 19. Following: ";" Insert: "and"

3. Page 1, line 20. Strike: ": and"
Insert: "."

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4. Page 1, line 21.

Strike: line 21 in its entirety

5. Page 2, line 7. **Strike:** "comply with"

Insert: "implement review criteria in consideration of"

6. Page 2, line 8.

Following: "provisions"

Insert: "except to the extent that the provisions violate Article X, section 4 or 11, of the Montana constitution"

7. Page 2, line 19.

Strike: "to"

Insert: "that in the opinion of the board may"

8. Page 2, line 20.

Following: "state,"

Insert: ", at such time as the board may consider to be in the best interests of the state,"

9. Page 2, line 22.

Strike: "All sales must conform with"

Insert: "Except to the extent that the following provisions violate Article X, section 4 or 11, of the Montana constitution, the board and the department shall consider"

And, as amended, do pass. Report adopted.

TAXATION (Waitschies, Chairman):

HB 219, introduced bill, be amended as follows:

1. Page 8, line 3. Following: "total" Insert: "federal"

insert. rederar

2. Page 8, line 4. Following: "for"

Insert: "the 48 contiguous states and the District of Columbia for"

3. Page 8.

Following: line 11

Insert: "(c) Only two additional exemptions allowed under this subsection (6) may be claimed for a household. If a joint return is filed, two additional exemptions may be claimed."

4

And, as amended, do pass. Report adopted.

HB 513, do pass. Report adopted.

TRANSPORTATION (Mendenhall, Chairman): **HB 492**, introduced bill, be amended as follows:

2/15/2005

2/15/2005

1. Page 1, line 26. Strike: "both sides" Insert: "one side"

And, as amended, do pass. Report adopted.

HB 684, do pass. Report adopted.

MESSAGES FROM THE SENATE

Senate bills passed and transmitted to the House for concurrence:

2/15/2005

SB 5, introduced by Hansen SB 41, introduced by Keenan SB 108, introduced by Lewis SB 116, introduced by Laible SB 126, introduced by Brueggeman SB 184, introduced by Mangan SB 194, introduced by Laible SB 195, introduced by Wheat SB 205, introduced by Shockley SB 222, introduced by Barkus SB 225, introduced by Cocchiarella SB 233, introduced by Kitzenberg SB 264, introduced by Smith SB 282, introduced by Smith SB 288, introduced by Cooney SB 298, introduced by Tropila SB 312, introduced by Bales SB 322, introduced by Gillan SB 325, introduced by Gebhardt SB 326, introduced by Laslovich SB 328, introduced by Squires

House bills concurred in and returned to the House:

2/15/2005

HB 84, introduced by Kaufmann

SB 342, introduced by Laslovich

- HB 193, introduced by Waitschies
- HB 194, introduced by Matthews

House bill concurred in as amended and returned to the House for concurrence in Senate amendments:

2/15/2005

HB 115, introduced by McNutt

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

- HB 709, introduced by Raser, referred to Judiciary.
- HB 710, introduced by Hiner, referred to State Administration.
- HB 711, introduced by McKenney, referred to Transportation.
- HB 712, introduced by Heinert, Maedje, referred to State Administration.
- HB 713, introduced by Franklin, referred to Appropriations.
- HB 714, introduced by Mendenhall, Wells, Hendrick, Sesso, referred to Natural Resources.
- HB 715, introduced by Maedje, Harris, referred to Appropriations.
- HB 716, introduced by MacLaren, Himmelberger, Clark, Lange, R. Brown, Rice, Arntzen, Witt, Lindeen, Bergren, referred to Taxation.
- HB 717, introduced by Warden, Arntzen, Koopman, Hendrick, Wagman, McGillvray, Everett, Wells, Rice, Himmelberger, R. Brown, Morgan, Taylor, Sinrud, John Balyeat, Ripley, Milburn, Barrett, Sonju, Roberts, Sales, Klock, Noonan, referred to Taxation.

- HB 718, introduced by Koopman, referred to Judiciary.
- HB 719, introduced by Gallik, referred to Transportation.
- HB 720, introduced by Sinrud, referred to Taxation.
- HB 721, introduced by Parker, Harris, Buzzas, Roberts, Groesbeck, Jacobson, Hiner, Campbell, Dickenson, Milburn, Jopek, Peterson, Hendrick, Wilson, Raser, Dowell, Branae, Tester, Grimes, Wanzenried, Franklin, Musgrove, Hamilton, Wiseman, Henry, Sesso, Windham, Cohenour, Galvin-Halcro, Eaton, Golie, Grinde, Noonan, Gutsche, Driscoll, Furey, Squires, Caferro, McGee, Elliott, Bergren, Becker, Windy Boy, Matthews, Perry, Laslovich, Stahl, referred to Judiciary.
- HB 722, introduced by Lange, referred to Federal Relations, Energy, and Telecommunications.
- HB 723, introduced by Branae, referred to Human Services.
- HB 724, introduced by Sinrud, Stoker, Matthews, Lange, Bergren, referred to Taxation.
- HB 725, introduced by Klock, referred to Federal Relations, Energy, and Telecommunications.
- HB 726, introduced by Gutsche, Windham, referred to Judiciary.
- HB 727, introduced by A. Olson, referred to Judiciary.
- HB 728, introduced by Lange, referred to Agriculture.
- HB 729, introduced by B. Olson, referred to Taxation.

The following House joint resolutions were introduced, read first time, and referred to committees:

- HJR 25, introduced by Maedje, Curtiss, Hendrick, Witt, Heinert, referred to Natural Resources.
- HJR 26, introduced by Harris, McGillvray, Wiseman, Hiner, referred to Natural Resources.
- HJR 27, introduced by Harris, referred to Taxation.
- HJR 28, introduced by Lange, referred to Federal Relations, Energy, and Telecommunications.
- HJR 29, introduced by Rice, Koopman, Jackson, Mendenhall, Klock, Barrett, Taylor, Ross, Everett, Windham, L. Jones, referred to Agriculture.
- HJR 30, introduced by Roberts, Clark, referred to Fish, Wildlife and Parks.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 269 passed as follows:

Ayes: Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, W. Jones, Jopek, Juneau, Kaufmann, Keane, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, Morgan, Musgrove, Noennig, Noonan, B. Olson, Parker, Raser, Roberts, Sesso, Villa, Wagman, Wanzenried, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman.

Total 60

Noes: Andersen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, L. Jones, Klock, Koopman, Lake, Lambert, Lange, Malcolm, McKenney, McNutt, Mendenhall, Milburn, A. Olson, Peterson, Rice, Ripley, Ross, Sinrud, Sonju, Stahl, Stoker, Taylor, Waitschies, Ward, Witt, Mr. Speaker.

Total 37

Excused: Caferro, Small-Eastman.

Total 2

Absent or not voting: Sales.

Total 1

HB 345 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey,

Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Sinrud, Sonju, Stahl, Taylor, Villa, Wagman, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker. Total 94

Noes: Sales, Stoker, Waitschies.

Total 3

Excused: Caferro, Small-Eastman.

Total 2

Absent or not voting: Everett.

Total 1

HB 346 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: None. Total 0

Excused: Caferro, Small-Eastman.

Total 2

Absent or not voting: Grinde, Hendrick.

Total 2

HB 386 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Glaser, Golie, Grinde, Groesbeck, Gutsche, Harris, Hawk, Heinert, Hendrick, Himmelberger, Hiner, Jackson, Jent, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker. Total 84

Noes: Buzzas, Campbell, Franklin, Gallik, Galvin-Halcro, Hamilton, Henry, Jacobson, Jayne, Jopek, Juneau, Kaufmann, Noonan, Wilson.

Total 14

Excused: Caferro, Small-Eastman.

Total 2

Absent or not voting: None.

HB 478 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Callahan, Campbell, Clark, Cohenour, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Glaser, Golie, Grinde, Groesbeck, Hamilton, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, Jopek, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Witt, Mr. Speaker. Total 84

Noes: Buzzas, Dickenson, Gallik, Galvin-Halcro, Gutsche, Harris, Jayne, W. Jones, Juneau, Kaufmann, McKenney, Raser, Windy Boy, Wiseman. Total 14

Excused: Caferro, Small-Eastman.

Total 2

Absent or not voting: None.

Total 0

HB 483 passed as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Milburn, Windy Boy.

Total 2

Excused: Caferro, Small-Eastman.

Total 2

Absent or not voting: None.

Total 0

Rep. Bergren stated the House Democrats will caucus.

Rep. Lange stated the House Republicans will caucus.

Speaker Matthews announced the House will stand at ease until 1:35 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Dem. Floor Leader Parker moved the House resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Representative Gutsche in the chair.

Mr. Speaker: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Representative Parker moved consideration of HB 379 be passed for the day. Motion carried.

HB 473 - Representative Parker moved HB 473 do pass.

HB 473 - Representative Parker moved HB 473, second reading copy, be amended as follows:

1. Page 1, line 18.

Strike: "AN INFLAMMABLE"
Insert: "a nonflammable"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Noes: None. Total 0

Voted Absentee: Caferro, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 473 - Representative Parker moved HB 473, as amended, do pass. Motion carried as follows:

Ayes: Becker, Bergren, Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jent, W. Jones, Jopek, Kaufmann, Keane, Lambert, Lange, Lindeen, McAlpin, Musgrove, Noonan, B. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Sonju, Villa, Wanzenried, Warden, Wilson, Windham, Windy Boy, Wiseman.

Total 60

Noes: Andersen, Arntzen, Balyeat, Barrett, R. Brown, Butcher, Glaser, Himmelberger, Jayne, L. Jones, Juneau, Klock, Koopman, Lake, Lenhart, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Noennig, A. Olson, Rice, Ripley, Ross, Sales, Sinrud, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Wells, Witt, Mr. Speaker.

Total 40

Voted Absentee: Caferro, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 493 - Representative Noonan moved HB 493 do pass.

HB 493 - Representative Noonan moved HB 493, second reading copy, be amended as follows:

1. Page 1, line 16. Following: "projects"

Insert: ", including projects at an airport or port authority,"

2. Page 2, line 2. Following: "state."

Insert: "The plans and specifications must be reviewed and approved by the department."

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Sinrud, Stoker, Taylor, Villa, Waitschies, Wanzenried, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 82

Noes: Balyeat, Barrett, Butcher, Everett, Koopman, Lake, Malcolm, Rice, Ross, Sales, Sonju, Stahl, Wagman, Ward, Warden, Witt.

Total 16

Voted Absentee: Furey, Aye.

Excused: Caferro, Small-Eastman.

Total 2

Absent or not voting: None.

Total 0

HB 493 - Representative Noonan moved HB 493, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Bixby, Branae, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lambert, Lange, Lenhart, Lindeen, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Himmelberger, Koopman, Lake, MacLaren, Rice, Ross, Sales, Sinrud, Sonju, Ward, Warden, Wells.

Total 17

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

HB 508 - Representative Hendrick moved HB 508 do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 98

Noes: Balyeat, D. Brown.

Total 2

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 530 - Representative Matthews moved HB 530 do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Noes: None.

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: Keane.

Total 1

HB 99 - Representative Lange moved HB 99 do pass.

HB 99 - Representative Lange moved HB 99, second reading copy, be amended as follows:

1. Page 1, line 28.

Strike: "NOT TO" through "\$10,000"

Insert: "of not less than 15 days or more than 6 months or a fine of \$2,000"

Amendment adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 97

Noes: None. Total 0

Excused: Caferro, Furey, Small-Eastman.

Total 3

Absent or not voting: None.

Total 0

HB 99 - Representative Lange moved HB 99, as amended, do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Branae, D. Brown, R. Brown, Butcher, Buzzas, Callahan, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Noes: Bergren, Bixby, Caferro, Campbell, Jayne, Juneau, Kaufmann, Koopman, Maedje, Noonan, Rice, Small-Eastman, Witt.

Total 13

Voted Absentee: Furey, Aye; Caferro, Small-Eastman, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 16 - Representative Ripley moved HB 16 do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Noes: Everett, Koopman, Sales, Sinrud.

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: Himmelberger.

Total 1

HB 31 - Representative Roberts moved HB 31 do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Becker, Bergren, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hendrick, Henry, Hiner, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Klock, Lake, Lambert, Lenhart, Lindeen, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, Parker, Peterson, Raser, Roberts, Sesso, Small-Eastman, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Total 64

Noes: Balyeat, Barrett, D. Brown, R. Brown, Butcher, Caferro, Everett, Glaser, Hawk, Heinert, Himmelberger, Jackson, Koopman, Lange, MacLaren, Malcolm, Mendenhall, B. Olson, Rice, Ripley, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 33

Voted Absentee: Furey, Small-Eastman, Ayes; Caferro, No.

Excused: None.

Total 0

Absent or not voting: Bixby, Keane, Maedje.

Total 3

HB 177 - Representative A. Olson moved HB 177 do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Everett, Facey, Furey, Gallik, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Koopman, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sales, Sesso, Sinrud, Small-Eastman, Sonju, Stahl, Taylor, Wagman, Waitschies, Wanzenried, Ward, Warden, Wells, Wilson, Windham, Windy Boy, Wiseman, Witt, Mr. Speaker.

Total 96

Noes: Franklin, Galvin-Halcro, Stoker, Villa.

Total 4

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

HB 232 - Representative Noennig moved HB 232 do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, R. Brown, Butcher, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Furey,

Gallik, Galvin-Halcro, Glaser, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Rice, Ripley, Roberts, Ross, Sesso, Small-Eastman, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker.

Noes: D. Brown, Everett, Jayne, Koopman, Mendenhall, Sales, Sinrud, Sonju, Ward, Warden, Wells, Witt. Total 12

Voted Absentee: Caferro, Furey, Small-Eastman, Ayes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Representative Wanzenried moved consideration of HB 359 be passed for the day. Motion carried.

HB 365 - Representative Maedje moved HB 365 do pass. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, R. Brown, Butcher, Everett, Facey, Glaser, Groesbeck, Harris, Heinert, Hendrick, Henry, Himmelberger, Jackson, Jacobson, Jayne, L. Jones, W. Jones, Keane, Klock, Lange, MacLaren, Maedje, McGillvray, McKenney, McNutt, Milburn, Morgan, Noennig, Noonan, Peterson, Raser, Rice, Ripley, Roberts, Sesso, Sonju, Stahl, Stoker, Taylor, Wagman, Ward, Warden, Wells, Wilson, Witt, Mr. Speaker.

Total 51

Noes: Bixby, Branae, D. Brown, Buzzas, Caferro, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Franklin, Furey, Gallik, Galvin-Halcro, Golie, Grinde, Gutsche, Hamilton, Hawk, Hiner, Jent, Jopek, Juneau, Kaufmann, Koopman, Lake, Lambert, Lenhart, Lindeen, Malcolm, McAlpin, Mendenhall, Musgrove, A. Olson, B. Olson, Parker, Ross, Sales, Sinrud, Small-Eastman, Villa, Waitschies, Wanzenried, Windham, Windy Boy, Wiseman.

Voted Absentee: Caferro, Furey, Small-Eastman, Noes.

Excused: None.

Total 0

Absent or not voting: None.

Total 0

Dem. Floor Leader Parker moved the committee rise and report. Motion carried. Committee arose. House resumed. Mr. Speaker in the chair. Chairman Gutsche moved the Committee of the Whole report be adopted. Report adopted as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, Becker, Bergren, Bixby, Branae, D. Brown, R. Brown, Callahan, Campbell, Clark, Cohenour, Dickenson, Driscoll, Eaton, Everett, Facey, Franklin, Galvin-Halcro, Glaser, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Hawk, Heinert, Hendrick, Henry, Himmelberger, Hiner, Jackson, Jacobson, Jayne, Jent, L. Jones, W. Jones, Jopek, Juneau, Kaufmann, Keane, Klock, Lake, Lambert, Lange, Lenhart, Lindeen, MacLaren, Maedje, Malcolm, McAlpin, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, Musgrove, Noennig, Noonan, A. Olson, B. Olson, Parker, Peterson, Raser, Ripley, Roberts, Ross, Sesso, Sonju, Stahl, Stoker, Taylor, Villa, Wagman, Waitschies, Ward, Warden, Wells, Wilson, Windy Boy, Wiseman, Witt, Mr. Speaker.

Noes: Butcher, Dowell, Gallik, Golie, Koopman, Rice, Sales, Sinrud, Wanzenried. Total 9

Excused: Caferro, Furey, Small-Eastman.

Total 3

Absent or not voting: Buzzas, Windham.

Total 2

FIRST READING AND COMMITMENT OF BILLS

The following House bills were introduced, read first time, and referred to committees:

- HB 730, introduced by Lange, referred to Judiciary.
- HB 731, introduced by Koopman, referred to Judiciary.
- HB 732, introduced by Roberts, referred to Federal Relations, Energy, and Telecommunications.
- HB 733, introduced by Dowell, referred to Judiciary.
- HB 734, introduced by Koopman, referred to Agriculture.
- HB 735, introduced by Lenhart, referred to Judiciary.
- HB 736, introduced by Furey, referred to Transportation.
- HB 737, introduced by McNutt, referred to Human Services.
- HB 738, introduced by Kaufmann, referred to Human Services.
- HB 739, introduced by Sinrud, referred to Transportation.
- HB 740, introduced by Heinert, Curtiss, Maedje, referred to Human Services.

The following House joint resolution was introduced, read first time, and referred to committee:

HJR 31, introduced by Cohenour, referred to State Administration.

MOTIONS

Dem. Floor Leader Parker moved to re-refer HB 99 to the Appropriations Committee. Without objection, so ordered.

Dem. Floor Leader Parker moved to re-refer HB 31 to the Appropriations Committee. Without objection, so ordered.

Rep. Clark moved to reconsider action on HB 460.

Rep. Sinrud moved to table Rep. Clark's motion on HB 460. Motion carried as follows:

Ayes: Andersen, Arntzen, Balyeat, Barrett, D. Brown, R. Brown, Butcher, Everett, Glaser, Hawk, Heinert, Hendrick, Himmelberger, Jackson, L. Jones, W. Jones, Keane, Klock, Koopman, Lake, Lambert, Lange, MacLaren, Maedje, Malcolm, McGillvray, McKenney, McNutt, Mendenhall, Milburn, Morgan, A. Olson, B. Olson, Peterson, Rice, Ripley, Roberts, Ross, Sales, Sinrud, Sonju, Stahl, Stoker, Taylor, Wagman, Waitschies, Ward, Warden, Wells, Witt.

Total 50

Noes: Becker, Bergren, Bixby, Branae, Buzzas, Callahan, Campbell, Clark, Cohenour, Dickenson, Dowell, Driscoll, Eaton, Facey, Franklin, Gallik, Galvin-Halcro, Golie, Grinde, Groesbeck, Gutsche, Hamilton, Harris, Henry, Hiner, Jacobson, Jayne, Jent, Jopek, Kaufmann, Lenhart, Lindeen, McAlpin, Musgrove, Noennig, Noonan, Parker, Raser, Sesso, Villa, Wanzenried, Wilson, Windham, Windy Boy, Wiseman, Mr. Speaker. Total 46

Excused: Caferro, Furey, Small-Eastman.

Absent or not voting: Juneau. Total 1

SPECIAL ORDERS OF THE DAY

Consent Calendar: HB 437, SB 60. There being no questions, these bills will proceed to 3rd Reading.

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Dem. Floor Leader Parker moved that the House adjourn until 1:30 p.m., Wednesday, February 16, 2005. Motion carried.

House adjourned at 3:00 p.m.

MARILYN MILLER Chief Clerk of the House GARY MATTHEWS Speaker of the House